

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Elena Katz

v.

Civil No. 08-cv-372-JD

Strafford County Department  
of Corrections, et al.

**REPORT AND RECOMMENDATION**

Elena Katz filed a petition for a writ of habeas corpus on September 12, 2008 (document no. 1). On September 23, 2008, Katz filed a motion to amend her petition and a motion for an emergency hearing (document nos. 3 & 4). The petition and the motion for emergency hearing stemmed from her detention on bail pursuant to a criminal charge of interference with custody, as well as her detention pursuant to a no-bail hold imposed at the direction of immigration authorities.

On October 15, 2008, Katz contacted the office of the Clerk of Court by telephone advising that she had been released from incarceration. Katz further advised that she would file an amendment or addendum to her habeas petition. On February 4, 2009, as the Court had received no further filings from petitioner, Katz was directed to show cause why this matter

should not be dismissed as moot by February 19, 2009. Katz was advised that a failure to show cause would result in my recommendation that this matter be dismissed without prejudice. Katz has not filed anything in response to my Order. Accordingly, I recommend dismissal of this action without prejudice.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).

**/s/ James R. Muirhead**

James R. Muirhead  
United States Magistrate Judge

Date: March 18, 2009

cc: Elena Katz, pro se